

**Patent****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of : Sand

Examiner: Unknown

Serial No. : Unknown

Group Art Unit: Unknown

Filed : October 25, 2001

For : Systems and Methods for Mixing and Transferring Flowable Materials

**Petition for Consideration of Correspondence Filed but Not Received  
by the Patent and Trademark Office  
Under 37 C.F.R. §1.10(e)**

Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Applicant hereby petitions under 37 C.F.R. §1.10(e) for consideration of correspondence addressed as set out in §1.1(a) with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) on October 25, 2001, but apparently not received by the Office in the above application.

In accordance with 37 C.F.R. §1.10(e)(3), the following is submitted herewith:

- (i). A true copy of the originally deposited papers showing the number of the "Express Mail" label (TAB 1).
- (ii). A true copy of the "Express Mail" mailing label showing the "date-in." (TAB 2).
- (iii). A true copy of the (USPS) tracking history of the correspondence, showing acceptance for Express mailing on October 25, 2001, and arrival on December 2, 2001. (TAB 3).

Consideration of the correspondence deposited October 25, 2001, in accordance with this petition is respectfully requested.

Respectfully submitted,

By

  
Daniel D. Ryan  
Registration No. 29,243

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May 2, 2001  
Kyphon/17238-FOR/020502 1.10(e)pet

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 May 2, 2002.

Dated 02 May 2002  
By Judith Dunaway  
Judith Dunaway

00980 648 MP  
RYAN KROMHOLZ & MANION, S.C.

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Arnold J. Ericson (Of Counsel)

DATE: 18 June 2002

**URGENT**

Coversheet + \_\_\_\_ Page(s)

RECIPIENT(S)

FACSIMILE #

1. Office of Initial Patent Examination

(703) 308 - 7751

2.

Re: Application of Paul M. Sand  
Attorney Docket 1759.17238-FOR  
Express Mail Label of Application Filing: EL 889147219US - 25 October 2001

Comments: The attached Petition was mailed on 2 May 2002 to the Office of Initial Patent Examination, and faxed on 30 April 2002, as required by notice given on the PTO website. To date Applicant's attorney has not received any communication. This application was the basis of priority for foreign design applications which are now in danger of being abandoned because we have not been able to provide the priority Serial Number and Filing Date and appropriate certified copies of the application. \*

Applicant respectfully requests an URGENT status update to be provided to the undersigned.

From: Patricia A. Limbach, Registration No. 50,295

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